

DISTRICT OF COLUMBIA
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DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
Petitioner,

v.

PARRAN BUS LINES, INC.
Respondent

Case Nos.: I-00-10041
I-00-10342

ORDER DENYING MOTION TO REOPEN

On August 14, 2000, this administrative court issued an order imposing a \$500.00 statutory penalty upon Respondent Parran Bus Lines, Inc. for failing to file a timely answer to the first Notice of Infraction. That penalty has remained unpaid. On February 7, 2001, this administrative court received by fax a letter from Burney Smith purportedly on behalf of the Respondent containing an explanation for Respondent's late filing and requesting that the case be reopened. Mr. Smith's relationship to Respondent is not apparent from the letter.

I will treat the letter as a motion to reopen the case and to reconsider the imposition of the \$500.00 penalty, and will deny that motion. Putting aside the issue of Mr. Smith's authority to act for Respondent, the letter contains no explanation for the lengthy interval between the issuance of the August 14, 2000 order and the filing of the motion on February 7. The August 14 order was sent to Respondent by certified mail, and signed for by Calvin Parran on August 18, 2000, as evidenced by the return receipt in the record. Respondent, therefore, had the order for

almost six months before it sought to reopen this case. It did not act promptly to bring its objections to the attention of this administrative court and consequently has lost the opportunity to do so. Indeed, Respondent was served with an earlier default order notifying it of its failure to file an answer. That order, issued July 19, 2000, was received by Respondent on July 25, 2000 and signed for by Yvonne Parran, as evidenced by the return receipt in the record. In short, Respondent has had ample notice of its obligations, but has chosen not to fulfill them. It presents no reason why its challenge to the August 14 order should be heard at this late date.

Therefore, it is, this _____ day of _____, 2001:

ORDERED, that Respondent's motion to reopen this case is **DENIED**. Respondent remains liable for the \$500.00 penalty imposed by the August 14 order, which payment is overdue.

/s/ **2-16-01**

John P. Dean
Administrative Judge